

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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BRETT WHEELER,

Plaintiff,

-against-

19 **CIVIL** 9689 (MKV)

**JUDGMENT**

CAPT. HARPER, 1159 Badge, C.O. Harper, 1195  
Badge, and C.O. Gonzalez, 8465 Badge,

Defendants.  
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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated March 14, 2022, the Defendants' Motion to Dismiss is GRANTED. Plaintiff's Second Amended Complaint is DISMISSED WITH PREJUDICE. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from the order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. *Coppedge v. United States*, 369 U.S. 438, 44445 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue); accordingly, the case is closed.

**Dated:** New York, New York

March 14, 2022

**RUBY J. KRAJICK**

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**Clerk of Court**

BY:

*Kmango*

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**Deputy Clerk**